

### **REMARKS**

Claims 1-31 are all the claims pending in the Application.

Claims 5-7 and 8-11 have been objected to based upon informalities. The foregoing amendments are believed fully responsive to this objection, and Applicant respectfully requests that the objection to these claims be withdrawn.

Claims 1-31 stand rejected under 35 U.S.C. §102(b) as being anticipated by Elliott (U.S. Patent No. 5,867,495). Applicant notes that page 2 of the Office Action indicates that only claims 1-16 have been rejected over Elliott. However, the Examiner indicated during a 21 December 2004 telephone conversation with Jeffrey Lotspeich that the Action was in error to the extent that the rejection applies to claims 1-31. With this understanding of the Action, Applicant respectfully traverses these rejections, and requests reconsideration and allowance of the pending claims in view of the following arguments.

#### **Rejection Under 35 U.S.C. §102(b)** **as being Anticipated by Elliott**

Claim 1 is directed to a method of controlling installations and/or processes in which parts of an existing mobile communication network are used. Page 3 of the Office Action states that Elliott, at col. 88, line 26, to col. 98, line 60, teaches all of the claim limitations recited in claim 1. Applicant respectfully disagrees.

Applicant's review of the cited portion of Elliott reveals a discussion relating to systems and methods for non-mobile communications utilizing calling plans in a hybrid network. The cited passages make reference to Figs. 1C-1G, and Fig. 10. Applicant summarizes the ten columns of specification cited in this rejection as follows. First of all, it appears that telephone

calls, data, and other multimedia information is routed through a hybrid network. This routing includes the transfer of the information across the Internet utilizing telephony routing information and Internet Protocol (IP) address information. A media order entry captures complete user profile information. This profile information is utilized by the system throughout the media experience for routing, billing, monitoring, reporting, and other media control functions. Elliott purportedly allows users to manage more aspects of a network than previously possible. Calling card access is provided for users, and supports typical calls as well as media transfers over the hybrid network.

Applicant respectfully submits that the Examiner appears to be reading into Elliott a considerable number of features which are simply missing from that reference. For instance, Elliott does not teach, suggest, or even mention a “mobile communication network,” and therefore this reference cannot teach the “exchange of information taking place between the information flows within the mobile communication network and a dedicated network, and information elements of the standardized signaling protocols of the mobile communication network” as recited in this claim. Another claimed feature missing from Elliott is “wherein the respective information elements are not relayed transparently at suitable interfaces in the mobile communication network, but instead are filtered out of the signaling.”

Claim 1 further requires that the “respective information elements” are “transferred to the dedicated network” and “the information elements coming from the dedicated network are inserted into the signaling.” Elliott provides no teaching or suggestion relating to these elements.

In view of the foregoing, Elliott fails to teach or suggest a number of features recited in independent claim 1, and therefore this claim is believed to be patentable. Applicant further

submits that claims 2-29 are patentable at least by virtue of their dependence on patentable claim

1.

Notwithstanding the above, with regard to the dependent claims, Applicant further submits that the Examiner again appears to be reading into Elliott a considerable number of features which are missing from that reference. In that regard, Applicant notes the following:

- With respect to dependent claim 2, there is absolutely nothing whatsoever in Elliott relating to “the exchange of information takes place by inserting response signals in the form of information elements into the *mobile communication signaling*.” Elliott simply provides teachings relating to PSTN signaling.

- With regard to claims 3 and 4, Elliott does not provide any disclosure relating to “information elements” which are “defined by a terminal involved in the mobile communication.” Elliott only discloses information exchange between a computer terminal and a PSTN terminal.

- Concerning claims 5 through 11, Elliott does not even mention a “GSM” or “UMTS mobile communication network.” The disclosure of Elliott is limited to PSTN/Internet interfaces.

- Regarding claims 23 through 29, Elliott is further deficient since it does not teach or suggest a “mobile communication network,” or a “home location register” or an “authentication center.”

In view of the foregoing, Elliott fails to teach or suggest a number of features recited in the above-identified dependent claims, and therefore these claims are believed to be patentable for these additional reasons. In the event the Examiner continues to maintain that Elliott

discloses any of the above-identified claim elements, Applicant respectfully requests the Examiner to point out the specific portions of Elliott, which, in the opinion of the Examiner, contain the alleged teaching, and explain how the cited portions need be interpreted in order to arrive at the Examiner's conclusions. It is well settled in the law that when the Examiner asserts that there is an explicit or implicit teaching or suggestion in the prior art, he must indicate where exactly such teaching or suggestion appears in the reference. See *In re Rijckaert*, 28 U.S.P.Q.2d 1955, 1957 (Fed. Cir. 1993).

Applicant further submits that independent claim 30 is believed to be patentable for reasons similar to those set forth above with regard to claim 1. For instance, Elliott does not teach, suggest, or even mention a "mobile communication network," and therefore this reference cannot teach "the exchange of information between a dedicated network and elements of the *mobile communication network* which are participating in the information flow within the *mobile communication network*" as recited in this claim.

Another claimed feature missing from Elliott is "at least one coupling device being provided to permit an exchange of information between at least one location in the *mobile communication network* and a location in the dedicated network." Claim 30 further requires that the "coupling device has devices which can directly or indirectly select information elements from the information flow of the *mobile communication network* in a controlled manner that conforms to the protocol." Elliott provides no teaching or suggestion relating to this claim limitation. Accordingly, independent claims 30, as well as its dependent claim 31, are believed to be patentable.

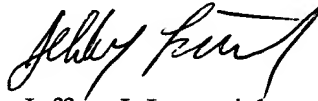
Lastly, Applicant has reviewed the cited but not applied Smith patent (6,501,950). It is interesting and appears to be generally related technology, but there is nothing of sufficient relevance to require detailed discussion.

### **CONCLUSION**

Applicant believes that the Examiner's rejections have been overcome and submits that the subject application is in condition for allowance. Should any issues remain unresolved, Ms. Contee is invited to telephone the undersigned attorney.

Respectfully submitted,

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